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*Attorneys for Defendant Google LLC*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, *et al.*, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF DONALD SETH  
FORTENBERY IN SUPPORT OF  
DEFENDANT GOOGLE LLC'S  
OPPOSITION TO PLAINTIFFS'  
MOTION TO EXCLUDE CERTAIN  
GOOGLE EMPLOYEE WITNESSES**

The Honorable Yvonne Gonzalez Rogers  
Date: November 15, 2023  
Time: 9:00 a.m.  
Location: Courtroom 1 – 4<sup>th</sup> Floor

Trial Date: January 29, 2024

1 I, Donald Seth Fortenbery, declare as follows:

2 1. I am a member of the bar of the State of New York and an associate attorney for  
3 Quinn Emanuel Urquhart & Sullivan, LLP. I make this declaration of my own personal, firsthand  
4 knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

5 2. I submit this declaration in support of Google's Opposition to Plaintiffs' Motion to  
6 Exclude Certain Google Employee Witnesses.

7 3. Attached hereto as Exhibit A is a true and correct copy of Plaintiffs' Requests For  
8 Production of Documents to Defendant Google LLC, Set One, dated September 30, 2020.

9 4. Google has produced to Plaintiffs 1,550 documents having Caitlin Sadowski in the  
10 To, From, CC, BCC, Author, or Custodian fields. On March 2, 2022, Google designated Dr.  
11 Sadowski as a Rule 30(b)(6) witness and Plaintiffs deposed Dr. Sadowski on March 10, 2022 for  
12 approximately two-and-a-half hours.

13 5. Google has produced to Plaintiffs 487 documents having Steve Ganem in the To,  
14 From, CC, BCC, Author, or Custodian fields. Plaintiffs deposed Mr. Ganem on March 23, 2022 for  
15 approximately three-and-a-half hours, and again on February 6, 2023. Plaintiffs also had access to  
16 the transcript of Mr. Ganem's February 11, 2022 deposition in the related *Calhoun* case, which  
17 lasted approximately three hours.

18 6. Google has produced to Plaintiffs 377 documents having George Levitte in the To,  
19 From, CC, BCC, Author, or Custodian fields. Plaintiffs deposed Mr. Levitte on March 15, 2022 for  
20 approximately two-and-a-half hours. Plaintiffs also had access to the transcript of, and attended, Mr.  
21 Levitte's March 16, 2022 deposition in the related *Calhoun* case, which lasted approximately six  
22 hours and twenty minutes.

8. Google has produced 13,485 pages of documents with Dr. Sadowski, Mr. Ganem, Mr. Levitte, or Mr. McPhie in the To, From, CC, BCC, Author, or Custodian fields.

Executed in Hoboken, New Jersey on October 6, 2023.

By /s/ Donald Seth Fortenbery  
Donald Seth Fortenbery